United Nations A/C.3/67/L.57

General Assembly

Distr.: Limited
12 November 2012

Original: English

Sixty-seventh session
Third Committee
Agenda item 67 (a)
Elimination of racism, racial discrimination, xenophobia and related intolerance

Argentina, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Costa Rica, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Latvia, Lithuania, Luxembourg, New Zealand, Poland, Portugal, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland and Turkey: draft resolution

International Convention on the Elimination of All Forms of Racial Discrimination

The General Assembly,

Recalling its previous resolutions on the International Convention on the Elimination of All Forms of Racial Discrimination,[1] most recently resolution 65/200 of 21 December 2010,

Bearing in mind the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[2] in particular section II.B of the Declaration, relating to equality, dignity and tolerance,

Reiterating the need to intensify the struggle to eliminate all forms of racism, racial discrimination, xenophobia and related intolerance throughout the world,

Reiterating also the importance of the Convention, which is one of the most widely accepted human rights instruments adopted under the auspices of the United Nations,

Reaffirming that universal adherence to and full implementation of the Convention are of paramount importance for promoting equality and non-discrimination in the world, as stated in the Durban Declaration and Programme of Action, adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance on 8 September 2001,[3]

[1] United Nations, *Treaty Series*, vol. 660, No. 9464.
[2] A/CONF.157/24 (Part I), chap. III.
[3] See A/CONF.189/12 and Corr.1, chap. I.

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Mindful of the importance of the contributions of the Committee on the Elimination of Racial Discrimination to the effective implementation of the Convention and to the efforts of the United Nations to combat racism, racial discrimination, xenophobia and related intolerance,

Emphasizing the obligation of all States parties to the Convention to take legislative, judicial and other measures to secure full implementation of the provisions of the Convention,

Recalling its resolution 47/111 of 16 December 1992, in which it welcomed the decision, taken on 15 January 1992 by the Fourteenth Meeting of States Parties to the International Convention on the Elimination of All Forms of Racial Discrimination, to amend paragraph 6 of article 8 of the Convention and to add a new paragraph, as paragraph 7 of article 8, with a view to providing for the financing of the Committee from the regular budget of the United Nations,[4] and reiterating its deep concern that the amendment to the Convention has not yet entered into force,

Stressing the importance of enabling the Committee to function smoothly and to have all necessary facilities for the effective performance of its functions under the Convention,

Taking note of the report of the Secretary-General on measures to improve further the effectiveness, harmonization and reform of the treaty body system[5] and the report of the United Nations High Commissioner for Human Rights on the strengthening of the human rights treaty bodies,[6] in which the challenges faced by the human rights treaty bodies are highlighted,

I. Reports of the Committee on the Elimination of Racial Discrimination

1. *Takes note* of the reports of the Committee on the Elimination of Racial Discrimination on its seventy-eighth and seventy-ninth[7] and its eightieth[8] sessions;

2. *Commends* the Committee for its contributions to the effective implementation of the International Convention on the Elimination of All Forms of Racial Discrimination,[1] especially through the examination of reports under article 9 of the Convention, action on communications under article 14 of the Convention and thematic discussions, which contribute to the prevention and elimination of racism, racial discrimination, xenophobia and related intolerance;

3. *Calls upon* States parties to fulfil their obligation, under article 9, paragraph 1, of the Convention, to submit their periodic reports on measures taken to implement the Convention in due time;

4. *Expresses its concern* at the fact that a great number of reports, in particular initial reports, are overdue and continue to be overdue, which constitutes an obstacle to the full implementation of the Convention;

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[4] See CERD/SP/45, annex.

[5] A/66/344.

[6] A/66/860.

[7] *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 18* (A/66/18).

[8] Ibid., *Sixty-seventh Session, Supplement No. 18* (A/67/18).

5. *Encourages* States parties to the Convention whose reports are seriously overdue to avail themselves of the advisory services and technical assistance that the Office of the United Nations High Commissioner for Human Rights can provide, upon their request, for the preparation of the reports;

6. *Reiterates* that States parties, in line with article 8 of the Convention, should take into account, in their nomination of members to the Committee, that the Committee shall be composed of persons of high moral standing and acknowledged impartiality, who shall serve in their personal capacity, and that consideration shall be given to equitable geographical distribution and to the representation of the different forms of civilization as well as of the principal legal systems, and encourages States parties to give due regard to the nomination of persons having legal experience, as well as recognized competence in the field of human rights, and to the equal representation of women and men;

7. *Encourages* the Committee to continue to cooperate and exchange information with United Nations bodies and mechanisms, in particular the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and other relevant mechanisms of the Human Rights Council, as well as with intergovernmental and non-governmental organizations;

8. *Encourages* States parties to the Convention to continue to include a gender perspective in their reports to the Committee, and invites the Committee to take into account a gender perspective in the implementation of its mandate;

9. *Also encourages* States parties to the Convention to include information on measures to prevent and combat racism, racial discrimination, xenophobia and related intolerance in their national reports to the universal periodic review mechanism of the Human Rights Council, and strongly encourages States parties to recognize those recommendations of the universal periodic review mechanism that originate from treaty body recommendations and treat them appropriately;

10. *Notes with appreciation* the engagement of the Committee in the follow up to the Durban Declaration and Programme of Action;[3]

11. *Expresses its appreciation* for the efforts made so far by the Committee to improve the efficiency of its working methods, including with a view to further harmonizing the working methods of the treaty bodies, and encourages the Committee to continue its activities in this regard;

12. *Welcomes*, in this regard, measures taken by the Committee to follow up on its concluding observations and recommendations, such as the appointment of a follow-up coordinator[9] and the adoption of the guidelines on follow-up;[10]

13. *Encourages* the continued participation of members of the Committee in the annual inter-committee meetings and meetings of chairpersons of the human rights treaty bodies, especially with a view to a more coordinated approach to the activities of the treaty body system and standardized reporting as well as to solving the problem of the backlog of reports of States parties in an effective manner, including by identifying efficiencies and maximizing the use of their resources as well as learning and sharing best practices and experiences in this regard;

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[9] Ibid., *Sixtieth Session, Supplement No. 18* (A/60/18), annex IV.

[10] Ibid., *Sixty-first Session, Supplement No. 18* (A/61/18), annex VI.

14. *Recalls* that the General Assembly decided to authorize the Committee to meet for an additional week per session, as a temporary measure, from August 2009 to 2012;

15. *Welcomes* the fact that the additional meeting time has, for the time being, allowed the Committee to eliminate the backlog of reports pending consideration;

16. *Takes note* of the report of the Secretary-General on measures to improve further the effectiveness, harmonization and reform of the treaty body system,[5] submitted pursuant to General Assembly resolutions 65/200 and 65/204, and the report of the open-ended intergovernmental process to conduct open, transparent and inclusive negotiations on how to strengthen and enhance the effective functioning of the human rights treaty body system;[11]

II. Financial situation of the Committee on the Elimination of Racial Discrimination

17. *Takes note* of the report of the Secretary-General on the financial situation of the Committee on the Elimination of Racial Discrimination;[12]

18. *Expresses its profound concern* at the fact that a number of States parties to the International Convention on the Elimination of All Forms of Racial Discrimination[1] have still not fulfilled their financial obligations, as shown in the report of the Secretary-General, and strongly appeals to all States parties that are in arrears to fulfil their outstanding financial obligations under article 8, paragraph 6, of the Convention;

19. *Strongly urges* States parties to the Convention to accelerate their domestic ratification procedures with regard to the amendment to the Convention concerning the financing of the Committee and to notify the Secretary-General expeditiously in writing of their agreement to the amendment, as decided upon at the Fourteenth Meeting of States Parties to the International Convention on the Elimination of All Forms of Racial Discrimination on 15 January 1992,[4] endorsed by the General Assembly in its resolution 47/111 and further reiterated at the Sixteenth Meeting of States Parties on 16 January 1996;

20. *Requests* the Secretary-General to continue to ensure adequate financial arrangements and to provide the necessary support, including an adequate level of Secretariat assistance, in order to ensure the functioning of the Committee and to enable it to cope with its increasing amount of work;

21. *Also requests* the Secretary-General to invite those States parties to the Convention that are in arrears to pay the amounts in arrears, and to report thereon to the General Assembly at its sixty-ninth session;

[11] A/66/902.
[12] A/67/322.

III. Status of the International Convention on the Elimination of All Forms of Racial Discrimination

22. *Reiterates* its call for the universal ratification and effective implementation of the International Convention on the Elimination of All Forms of Racial Discrimination[1] by all States parties to eliminate all forms of racial discrimination;

23. *Takes note* of the report of the Secretary-General on the status of the Convention;[13]

24. *Expresses its satisfaction* at the number of States that have ratified or acceded to the Convention, which now stands at one hundred and seventy-five;

25. *Urges* States parties to comply fully with their obligations under the Convention and to take into consideration the concluding observations and general recommendations of the Committee on the Elimination of Racial Discrimination;

26. *Reaffirms its conviction* that ratification of or accession to the Convention on a universal basis and the implementation of its provisions are necessary for the effectiveness of the fight against racism, racial discrimination, xenophobia and related intolerance and for the implementation of the commitments undertaken under the Durban Declaration and Programme of Action,[3] and expresses its disappointment that universal ratification of the Convention was not achieved by the targeted date of 2005;

27. *Urges* States to limit the extent of any reservation they lodge to the Convention and to formulate any reservation as precisely and narrowly as possible in order to ensure that no reservation is incompatible with the object and purpose of the Convention, to review their reservations on a regular basis with a view to withdrawing them, and to withdraw reservations that are contrary to the object and purpose of the Convention;

28. *Notes* that the number of States parties to the Convention that have made the declaration provided for in article 14 of the Convention now stands at fifty-four, and requests States parties that have not yet done so to consider making that declaration;

29. *Invites* the Chair of the Committee to present an oral report on the work of the Committee and to engage in an interactive dialogue with the General Assembly at its sixty-ninth session under the item entitled "Elimination of racism, racial discrimination, xenophobia and related intolerance";

30. *Decides* to consider, at its sixty-ninth session, under the item entitled "Elimination of racism, racial discrimination, xenophobia and related intolerance", the reports of the Committee on its eighty-first and eighty-second and its eighty-third and eighty-fourth sessions, the report of the Secretary-General on the financial situation of the Committee and the report of the Secretary-General on the status of the Convention.

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[13] A/67/321.